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PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:  
Jeff McElroy

Serial No.: 10/820,220

Filed: April 6, 2004

For: PLANTS AND SEEDS OF CORN  
VARIETY I000091

Group Art Unit: 1638

Examiner: Bui, Phuong

Atty. Dkt. No.: DEKA:344US

CERTIFICATE OF FACSIMILE TRANSMISSION  
37 C.F.R. § 1.8I certify that this correspondence is being transmitted to:  
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22313-1450, facsimile number (571) 273-8200 on the date  
below:September 11, 2006  
Date  
Robert E. Hanson**TELEPHONIC INTERVIEW SUMMARY**Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Commissioner:

On August 2 and August 7, 2006, Applicants' undersigned representative and Examiner Bui held a telephonic interviews to discuss the case. On August 2 Applicants noted that the arguments submitted on the record establish the patentability of the claims under rejection and further noted that the information requested in the 37 C.F.R. §1.105 Request is irrelevant to patentability given the distinctiveness of the claimed variety. The Examiner agreed to review the case and in a subsequent call on August 7 indicated that the case would be allowable with entry of the amendments reflected in the Examiner's Amendment mailed with the Notice of Allowance

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and that the 37 C.F.R. §1.105 Request is moot in view of the arguments presented and breeding history information provided in the specification. An agreement was therefore reached to enter the Examiner's Amendment, withdraw the 105 Request and allow the case.

Applicants would like to thank the Examiner for the time taken to discuss the case.

Respectfully submitted,



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